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SUBJECT: AMBASSADOR DISCUSSES PROPERTY RESTITUTION, EXTRADITION, AND
WITNESS FACILITATION WITH CROATIAN JUSTICE MINISTER

(U) Sensitive but unclassified; please handle accordingly.

¶1. (SBU) Ambassador met February 15 with Croatian Justice Minister Ana Lovrin to discuss property restitution, negotiations on a new extradition treaty between the U.S. and Croatia, and witness support.

Property Restitution

¶2. (SBU) The Ambassador reminded Lovrin of their July 2006 discussion on this subject, at which time Lovrin promised that the draft amendment which would give foreign claimants access to the 1996 Law on Property Restitution on an equal footing with Croatian citizens would be passed by fall 2006. To date, the draft amendment has not even been put before the parliament for consideration. The Ambassador noted that, in his discussions of the subject with various officials, he has been told repeatedly that the amendment is unlikely to be passed in an election year. The Ambassador advised Lovrin that, while resolution of this issue is not yet a big political issue in the United States, pressure is building. He cited as an example next week's visit to Croatia of Special Envoy for Holocaust Issues J. Christian Kennedy.

¶3. (SBU) The Ambassador recognized the difficulty Croatia faces in changing its law to resolve this issue, but expressed his hope that something could be done to at least create a process for those claimants whose cases were not covered by previous agreements. Lovrin confirmed that there has been no change in the status of the amendment since the Ambassador's last visit. The decision of when to present the amendment to parliament is political and MOJ has not yet received the nod to go forward. She is unable to predict when this might happen. The Ambassador again emphasized the need for these claimants to have a process available to them so they could at least file their claims. He left with the Minister a short paper with illustrative examples of American claimants who might benefit from passage of the amendment.

New Extradition Treaty

¶4. (SBU) The Ambassador advised Lovrin that we were interested in advancing, among other agreements, a new extradition treaty between the U.S. and Croatia. We have long been concerned that the current treaty dating from 1901 is outdated and does not include 21st century crimes, such as drug trafficking and pedophilia. The Ambassador informed Lovrin that, after years of responding that there were other priorities ahead of Croatia, US DOJ has at last agreed to consider opening negotiations, with a caveat. DOJ needs the GOC's assurance that it will be willing to consider allowing the extradition of its nationals. The Ambassador noted that Croatia would have to address this issue for EU accession to satisfy the requirement for exchange of nationals pursuant to the European Arrest Warrant. He hoped that we could obtain some sort of assurance that the constitutional changes necessary to allow the extradition of Croatian citizens would be forthcoming, and that the United States might be able to benefit as well from this.

¶5. (SBU) Lovrin sought confirmation that the United States did, in fact, extradite its nationals, so what we are seeking is only

reciprocal cooperation. However, Lovrin noted, it is not in the competence of MOJ to change the constitution. She could only commit that Croatia will talk about this issue in the course of the EU accession process. There are other changes to the constitution that will need to be made for accession; they will be made in a package at that time. As the timing of Croatia's accession is still unclear, it is difficult to give any guarantee in advance. Assistant Justice Minister for International Legal Assistance Ljiljana Vodopija Cengic, also in attendance, expressed her belief that the US/EU Agreement on Legal Assistance covers extradition, thus this issue would be resolved when Croatia becomes an EU member.

We noted that extradition remains essentially a bilateral issue, despite the US/EU Agreement, and the issue of return of nationals would still need to be resolved. The Ambassador asked if it would be possible to get from the Minister a letter at least saying that the issue will be addressed in the EU accession process. Lovrin replied that the Ministry needs to look at the example of how other EU member states have handled this issue before any decision could be made. Both sides promised to discuss the issue further at the working level.

Witness Facilitation

16. (SBU) The Ambassador noted the Ministry's efforts to address the lack of support for witnesses and victims in the judicial process, cited by the international community as a key gap in the integrity of Croatia's judicial process. He offered USG assistance in support of the Ministry's efforts, for example, in the form of expert advice, staff training and study tours. Lovrin gratefully accepted and promised to follow up with the Embassy.

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